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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,099	12/21/2001	Olivier Giaume	FR000157	3110
24737	7590	01/14/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			THOMPSON, ANNETTE M	
			ART UNIT	PAPER NUMBER
			2825	

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

10/028,099

Applicant(s)

GIAUME ET AL.

Examiner

A. M. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Applicants' Amendment to application 10/028,099 has been examined. The specification and drawings are amended. Claims 1-6 are amended. Claims 1-6 are pending.

1. The replacement drawing for Figure 4 was received on 28 October 2003. This drawing is not approved because of the poor fax quality and the objection maintained *supra*.

#### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The specification, page 6, lines 32-34 and page 7, lines 1-6 references the illustration of threshold values ( $val_j$ ) and replacement cells ( $Cx$ ) in figure 4. However, the figure 4 illustration is not completely legible and further does not illustrate what is referenced. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," and "comprises" should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it is merely a recitation of claim 1 and lacks narrative format. Applicant should remove the parenthetical references and limit the Abstract to a single paragraph. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

5. Claims 2, 3, 5, and 6 are objected to because of the following informalities: Pursuant to claims 5 and 6, the limitation "and identification of cells which have a computed propagation time value greater than a predetermined reference value" requires either requires rewording or deletion; the limitation clause does not fit within the claim context. Pursuant to claim 2, at line 8, before "greater", delete "is" and insert - - being- - in lieu thereof. Pursuant to claim 3, at line 6, before "within", delete "is" and -insert--being--in lieu thereof. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. Pursuant to claim 4, Applicants reference a replacement step without any

prior reference to how a replacement step is functionally or structurally related to the method of optimization of temporal performance.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Rejection of claims 1, 4, and 5**

9. Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Garnett et al. (Garnett), U.S. Patent 6,516,456. Garnett discloses a method and apparatus for manipulating a group of instances of a circuit design database, and for performing group operations thereon.

~~10. Pursuant to claim 1 which recites [a] method for optimization (Fig. 3 (#52); col. 11, ll. 4-8; ll. 50-53) of temporal performances of a network of electronic cells, comprising a plurality of cells which are taken from a library (col. 10, ll. 55-64), comprising several categories of cells, the cells of a same category all having the same functionality (col. 12, ll. 46-50), which method comprises the steps of accurate computation of propagation times of signals which pass through each cell of the network (col. 12, ll. 30-36); and identification of cells which have a computed propagation time value greater than a predetermined reference value (col. 12, ll. 36-41).~~

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11. Pursuant to claim 4, wherein execution of the replacement step is subject to validation (col. 14, ll. 22-28; col. 15, ll. 29-36).

12. Pursuant to claim 5, which recites an integrated circuit comprising a network of cells (col. 9, ll. 2-7); method comprising the steps of accurate computation of propagation times of signals which pass through each cell of the network (col. 12, ll. 30-36); and identification of cells which have a computed propagation time value greater than a predetermined reference value (col. 12, ll. 36-41).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garnett in view of Mannerstrale et al., U.S. Patent 6,091,963. Garnett discloses an integrated circuit designed by Applicant's claimed method but does not teach a receiver device for radio for radio signals comprising the integrated circuit. Garnett however does teach that the integrated circuit may be an ASIC. Mannerstrale teaches a receiver device that may be implemented as an ASIC (col. 5, lines 22-29) for cheaper manufacture. It would have been obvious to one of ordinary skill in the art to use Applicant's method in the design of the ASIC receiver as another means of optimizing receiver performance.

15. Pursuant to claim 6, which recites a receiver device for radio signals (Abstract; Fig. 1; col. 1, ll. 10-13); optimizing the temporal performance by accurate computation of

propagation times (col. 12, ll. 30-36); and identification of cells which have a computed propagation time value greater than a predetermined reference value (col. 12, ll. 36-41)

***Allowable Subject Matter***

16. Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Remarks***

17. Applicants argue that "falling outside a predetermined timing specification" is not the same as being "greater than a predetermined reference value." According to the Tenth Edition of Merriam-Webster's Collegiate Dictionary, **outside** may be defined: the extreme limit of a guess: MAXIMUM. Therefore, using this plain and ordinary meaning of outside Garnett reads on Applicants' claims as recited.

18. Applicants' faxed Fig. 4 drawing is of poor reproductive quality and additionally does not illustrate what is disclosed in the specification.

***Conclusion***

19. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications should be directed to Examiner A.M. Thompson whose telephone number is (571) 272-1909. The Examiner can usually be reached Monday thru Friday from 8:00 a.m. to 4:30 p.m.. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Matthew S. Smith, can be reached on (571) 272-1907.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562 or the Customer Service Center whose telephone number is (571) 272-1750.

21. Responses to this action should be mailed to:

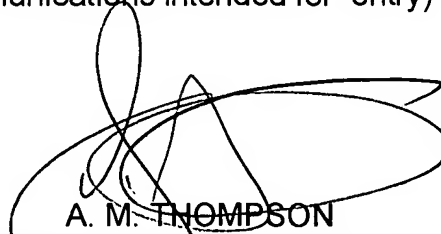
-----Commissioner-for-Patents-----

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Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306, (for all **OFFICIAL** communications intended for entry)

  
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